

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

7000-263

I hereby certify that this correspondence is being transmitted via facsimile on the date indicated below to:
 Examiner: _____
 Fax Number: _____ Art Unit: _____
 Date: _____
 Signature _____
 Typed or printed name _____

In re Application of
Samuel H. Christie, IVApplication Number
10/628,167 Filed
7/28/2003

For MOBILITY IN A MULTI-ACCESS COMMUNICATION NETWORK

Art Unit
2416 Examiner
Brenda H. Pham

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 30.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-1315. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Registration number 45742

attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a). _____



Signature

Anthony J. Josephson

Typed or printed name

919-238-2300

Telephone number

March 17, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Samuel H. Christie, IV
Serial No. 10/628,167
Filed: 07/28/2003

For: **MOBILITY IN A MULTI-ACCESS COMMUNICATION NETWORK**

Examiner: Brenda H. Pham
Art Unit: 2416

Mail Stop Appeals
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT FOR DISCOUNTED NOTICE OF APPEAL

A Notice of Appeal is being filed concurrently with this statement. The Appellant previously filed a Notice of Appeal on August 8, 2008 concurrently with a Pre-Appeal Brief Request for Review (hereinafter “PABR”). The Appellant paid the \$510.00 fee associated with the Notice of Appeal when it was filed.

In response to the Notice of Appeal and PABR filed on August 8, 2008, prosecution was reopened through the mailing of a non-final Office Action on November 17, 2008 and the mailing of a Notice of Panel Decision from Pre-Appeal Brief Review on November 19, 2008. The Appellant has continued prosecution and concurrently files a new Notice of Appeal.

The Appellant should not have to pay the full amount of \$540.00 for this Notice of Appeal because the Notice of Appeal filed on August 8, 2008 had been paid for. See M.P.E.P § 1204.01. The Appellant notes that the fee for a Notice of Appeal increased by \$30.00. As such, only the \$30.00 fee is due for the current Notice of Appeal. The Director is hereby authorized to charge the \$30.00 Notice of Appeal fee to Deposit Account 14-1315, and to consider this a petition therefor. If any additional fees are required in association with this Notice of Appeal, the Director is hereby authorized to charge them to Deposit Account 14-1315, and consider this a petition therefor.

Respectfully submitted,
WITHROW & TERRANOVA, P.L.L.C.

By:



Anthony J. Josephson
Registration No. 45,742
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

Date: March 17, 2009
Attorney Docket: 7000-263